



## **CASE REVIEW / SPECIAL MEETING MINUTES**

**Wednesday, June 11, 2008 at 4:30 P.M.  
5<sup>th</sup> Floor Large Conference Room, City Hall  
3900 Main Street, Riverside, CA**

Chairman Percy called the meeting to order at 4:30 p.m.

### **Roll Call**

<b>Rotker</b>	<b>Soubirous</b>	<b>Hubbard</b>	<b>Brandriff</b>	<b>Ward</b>	<b>Percy</b>	<b>Corral</b>	<b>Santore</b>	<b>Beeman</b>
✓	✓	✓	LE	✓	✓	A	✓	✓

✓ = Present    A = Absent    L = Late    LE = Left Early

**Staff:** Kevin Rogan, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

### **Public Comments**

Mr. and Mrs. Mortensen, with counsel, spoke to the Commission regarding Case No. 07-059.

### **Closed Session**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:15 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

	<b>CPRC CASE NO.</b>	<b>RPD CASE NO.</b>
1)	07-056	PC-07-08062
2)	07-059	PC-07-09067

The Commission recessed briefly at 5:40 PM, reconvening in Open Session at 5:45 PM.

## OPEN SESSION

Audio for the following proceedings is available on the CPRC website:

[www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

### Public Comment

Mary Shelton spoke regarding the loss of a law suit against Taser International for the company not informing law enforcement agencies of the dangers of Tasers.

Ms. Shelton also stated that she was uncertain as to the status of Consultant Joe Brann's report and whether the Commission would carry out or reject its recommendations.

### Officer-Involved Death (OID) Evaluation Process

#### A) Update on Brown OID

- 1) Receipt of Supplemental Information
  - a) Discuss and vote to amend the Brown OID Public Report based on supplemental information received
- 2) Request for Depositions in the Brown OID

Chairman Percy advised that, as a result of questions posed to RPD by the Commission after its review of the administrative portion of the Brown OID, RPD sent supplemental information to the Commission that was not available in the criminal casebook, or the public portion of the case, due to oversight and / or clerical error on the part of RPD. The supplemental information that was sent consisted of a public, supplemental report stating what portion of the Taser was swabbed for DNA and photos of the injury received by Officer Stucker. Chairman Percy asked that the Commission first decide whether or not to amend the Brown OID Public Report and then decide how to proceed with the amendment, if approved.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
To include, as an addendum to the Brown OID Public Report, the supplemental information received	Beeman	Rotker	3	4	0

Mary Shelton said it is unfortunate that RPD "had to wait" to provide this information to the Commission after the "cone of silence" has dropped. She expressed concern about why no one checked to see if the photos were there or not. She also question how the tasing of Officer Stucker fit into the incident timeline.

Commissioner Ward requested that the Commission obtain the depositions in the Brown OID case.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
To request the Brown OID depositions	Ward	---	0	0	0

#### B) Status of commissioners' review of the Cloud OID

- 1) Stage II b, Fact Certification Follow-Up Report

The Commission reviewed and discussed previous commissioner questions with answers (attached) distributed by Mr. Rogan. Other questions posed during discussion were:

- Commissioner Ward: noting this as a disputed fact, he questioned if, after the crash, the car was running or if Mr. Cloud started the car as noted by one of the officers;

- Commissioner Rotker: the incident was called out as a 211 – what should it have been;
- Commissioner Beeman: questioned the conducting of felony stops and applying policy in response to Question 3

Chairman Percy asked Staff to schedule a presentation by RPD on how felony and “man with a gun” stops are conducted.

C) Status of commissioners’ review of the Hill OID

1) Scheduling of Briefing by CPRC Investigator Butch Warnberg, Baker Street Group

Mr. Rogan advised that Mr. Butch Warnberg’s briefing on the Hill OID would take place at the June 25<sup>th</sup> Regular Meeting.

Chairman Percy advised that the next special meeting would deal with the certification of facts.

Mary Shelton said that all available evidence should be used, depositions included. She said that questions in depositions would be more adversarial than those asked in a criminal investigation. She also noted that depositions may offer a different perspective and believes they are important for credibility determinations.

Ms. Shelton commented that casebooks are public records, “but with an asterisk,” noting that she was told by RPD to get a copy of a criminal casebook through CPRC.

Ms. Shelton concluded by saying that she has concerns about the Commission’s process concerning the Cloud OID. She said questions should be submitted so there is no deliberating.

The Commission adjourned at 7:50 PM.

Respectfully submitted,



PHOEBE SHERRON  
Sr. Office Specialist